

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BONITA D. OSISEK

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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CIVIL ACTION

NO. 06-2141

**ORDER**

\_\_\_\_\_**AND NOW**, this 14th day of December, 2006, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi dated October 30, 2006, **IT IS HEREBY ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Peter B. Scuderi dated October 30, 2006, is **APPROVED** and **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment is **GRANTED** in part;
3. Defendant's Cross-Motion for Summary Judgment is **DENIED**; and
4. The case is **REMANDED** to the Commissioner of the Social Security Administration in accordance with the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi dated October 30, 2006.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.